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TAGS: [PGOV](#) [PINS](#) [PTER](#) [KJUS](#) [SP](#) [KCRM](#) [PINR](#)  
SUBJECT: SPAIN: PROSECUTOR DISAVOWS AL-QAIDA TIES TO  
BARCELONA SUBWAY PLOT

REF: A. 09 MADRID 1207  
[1](#)B. MADRID 76

Classified By: DCM Arnold A. Chacon for reasons 1.4 (b) and (d)

[1](#)1. (S//NF) Contrary to self-incriminating court testimony by the government's star witness in the recently concluded trial regarding the plot to attack the Barcelona metro system, National Court Prosecutor Vicente Gonzalez Mota on January 13 privately confirmed to POLOFF that there were no Al-Qaida ties to the radical Islamist cell and that the witness was in fact a third-country undercover agent, as the defense had alleged. Gonzalez Mota, who tried the case, spoke with POLOFF on the margins of the US-Spain Counter-Terrorism and Organized Crime Experts Working Group meeting in Madrid (See Ref B), at which Spanish prosecutors explained that Spanish law allows for security services officials to remain undercover - rather than appear behind a screen, reveal their true identity and affiliation or some other alternative - while testifying in court.

[1](#)2. (S//NF) As reported in Ref A, the National Court on December 14 convicted all 11 defendants arrested in the "Operation Cantata" case to between 8.5 - 14.5 years imprisonment for membership in a terrorist organization. Post had reported on the sworn testimony in that trial by the prosecution's star witness - a former member of the cell who turned on his colleagues and notified authorities on the plot - that he has been a member of Al-Qaida since 2005. Known as F1, he testified that he traveled from Paris to Barcelona under orders from an AQ official in Paris, where F1 said he formed part of AQ's finance network. F1 testified that he spent a year and a half undergoing training in AQ camps in Pakistan, taking weapons training, the manufacturing of explosives, and "brainwashing." He added that he had never faced charges for his membership in AQ. Given the chance to renounce his ties to AQ during cross-examination, F1 cryptically replied, "I can only say that I have come to tell the truth to the judges and they will be the ones who decide who I am now." Gonzalez Mota's private comments on January 13 explain F1's testimony in that the judges were aware that the witness was an undercover agent rather than an AQ member.

[1](#)3. (C) Gonzalez Mota gave a formal presentation on the trial in the bilateral working group meeting, in which he described the trial as "very satisfactory" and the sentence as "fair."

He said that the prosecution will work to maintain the convictions, which have been appealed to the Supreme Court. In response to a question from the U.S. delegation, Gonzalez Mota explained that the prosecution had not sought to indict Baitullah Mehsud, the then leader of Tehrik e Taliban Pakistan (TTP), a Pakistani terrorist group with links to AQ, which claimed responsibility for the cell's actions because doing so would have made the case more difficult and the priority was to convict just the 11 defendants in Spain. Gonzalez Mota asked rhetorically, what would have been gained by indicting the now-deceased Mehsud? In response to another question by the U.S. delegation, Gonzalez Mota stated that the prosecution worked through Eurojust to receive police cooperation from Germany, the Netherlands, and Italy, where the cell had ties. He said that Spain asked Pakistan for information, but ended up giving more than it received. The U.S. delegation congratulated Gonzalez Mota on a successful prosecution.

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